



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Fourteenth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.15496 of 2017

1 NAGARAJAN
2 SANKARANARAYANAN
3 BOOMINATHAN
4 AMARA JODHI
5 RAJESHWARI
6 PARAMASIVAM

... PETITIONERS / ACCUSED RANK NOT KNOWN

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH POLICE STATION,
VIRUDHUNAGAR -626 002,
VIRUDHUNAGAR DISTRICT

... RESPONDENT

For Petitioners : M/S.G.DHANALAKSHMI Advocate

For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

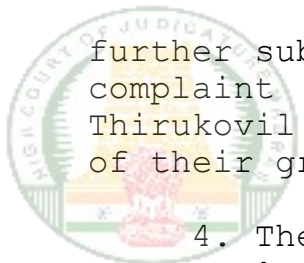
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused, apprehend arrest at the hands of the respondent police for the offence punishable under Section 420 and various sections of I.P.C., in Crime No. Not Known of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners' grand father, namely, one Vellaiyan Chettiyar executed a Will in favour of Bala Vinayakar Thirukovil for the purpose of forming Nandhavanam to the aforesaid Thirukovil. Suppressing the said Will, the legal heirs of the said Vellaiyan Chettiyar divided the property among themselves and created forged records and thereby, the Municipal Commissioner lodged a complaint against the petitioner before the respondent police.

3.The learned counsel for the petitioners submitted that the petitioners are the legal heirs of the said Vellaiyan Chettiyar, who is their grand father. The said Vellaiyan Chettiyar executed the Will in favour of the petitioners' mother. Thereafter, the property was shared in between the legal heirs of the petitioners' family. He



further submitted that the Municipal Commissioner has lodged a false complaint against the petitioners. In fact, the Bala Vinayakar Thirukovil was maintained by the petitioners' family as per the wish of their grand father.

4. The learned Government Advocate (Crl.side) appearing for the State submitted that in order to provide workshop facility and to form Nandhavanam to the said Bala Vinayakar Thirukovil, the grand father executed the Will, but suppressing the fact the petitioners divided the property among themselves. Therefore, the Municipal Commissioner lodged a complaint against the petitioners family. He further submitted that the investigation is still pending.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.side), I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Virudhunagar, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioners shall report before the respondent police as and when required for interrogation;

(ii) the petitioners are directed to maintain the Bala Vinayakar Thirukovil as per the Hindu Customs and Agama and they should not alienate the aforesaid Thirukovil, Nandavanam.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial;

(v) the petitioners shall not commit any offence while on bail;

(vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law and the anticipatory bail granted stands cancelled automatically.

sd/-

14/11/2017

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.I, VIRUDHUNAGAR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
VIRUDHUNAGAR -626 002, VIRUDHUNAGAR DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.G.DHANALAKSHMI Advocate SR.No.34338

ORDER

IN

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Date :14/11/2017

MKV-PM-PN-SAR 2/20.11.2017/3P-6C